## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:13 CV 276

FEDERAL INSURANCE COMPANY,	)
Plaintiff	) ) )
v	) ORDER
OMEGA FLEX, INC., RB'S GAS, INC., McNUTT SERVICES GROUP, INC., S. FOX	)
ELECTRIC, LLC and RIVER CANE BUILDERS, LLC,	)
Defendants.	) )

**THIS MATTER** has come before the undersigned pursuant to a 12(b)(5) Motion To Dismiss Plaintiff's Complaint (#27) filed by Defendant RB's Gas, Inc. It appears from an examination of the motion that the motion has been filed in violation of the Local Rules governing civil cases.

## LCvR 7.1(C) provides as follows:

**(C) Requirement of Briefs.** Briefs shall be filed contemporaneously with the motion, except no brief is required in support of timely motions for extension of time, continuances, admission *pro hac vice*, or early discovery.

The motion filed by RB's Gas, Inc. is not supported by a brief as required by LCvR 7.1(C) and as a result, the motion will be denied without prejudice.

## **ORDER**

IT IS, THEREFORE, ORDERED that the 12(B)(5) Motion To Dismiss Plaintiff's Complaint (#27) is **DENIED** without prejudice.

Signed: March 11, 2014

Dennis L. Howell

United States Magistrate Judge